



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,302	03/29/2004	Arno Haloila	PIR-116	8276
20374	7590	01/26/2006	EXAMINER	
KUBOVCIK & KUBOVCIK SUITE 710 900 17TH STREET NW WASHINGTON, DC 20006			HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/811,302	HALOILA, ARNO	
	Examiner	Art Unit	
	Louis K. Huynh	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-5 are objected to for being generally narrative, failing to conform with current U.S. practice, they do not recite steps for performing specific tasks in the claimed process. Applicant is respectfully requested to rewrite the claims to conform with current U.S. practice by reciting in the process claims the steps of performing specific tasks which applicant regard as his/her invention.
2. Claim 1, line 21: "plurality times" should be changed to: --plurality of times--.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claim 1, lines 21-22: "the direction of...film girdle" lacks proper antecedent basis. Although the product and/or the film girdle are moved but the directions of their movement have not been defined relative to the product; therefore, it is unclear as to whether the dimension of the film girdle is smaller than the width, the height or depth of the product.
 - Claim 2, lines 7-8: "optionally, seamed" render the claim indefinite for it is unclear whether the limitation of seaming the film girdle is a part of the claim.

Art Unit: 3721

- Claim 3 is indefinite for not defining the relationship between the step of forming the *plastic film girdle tube* (18b) and the step of forming *the plastic girdle* (18) recited in claim 1; therefore it is unclear whether or not the claimed method actually comprises both steps.
- Claim 3, lines 11-12: “the plastic film ... is cut off the plastic film girdle tube” is indefinite for it is unclear as to whether or not the *plastic film girdle* of claim 1 is different from the *plastic film girdle tube* of claim 3; note that they are both formed by winding over the supporting product according to claim 1. Applicant is respectfully requested to clarify by amending the claim to clearly recite that the step of forming the plastic film girdle comprises the steps of winding the plastic film band over the support structure to form a plastic film girdle tube (18b), and cutting the film band off the girdle tube (18b) to form the plastic film girdle (18a) having a length.... (See specification on page 5, lines 31-37).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Cere (US 6,751,931).

Art Unit: 3721

With respect to Claims 5, 6, 8 and 9, Cere discloses a device for applying a plastic film (2) around a product (1) including: a plastic film reel (3); a cutting means (27) for cutting the wrapping plastic film (2); a wrapping system having movable supporting elements (14) for forming a plastic girdle on the supporting elements (14) and for transferring the plastic film girdle (2a) onto the product (1); transfer element (8) for transferring the product; and means (16) for removing the supporting elements (14) from inside the plastic film girdle. Regarding the intended use of the wrapping system for wrapping the plastic film band a plurality of times over the supporting elements, the wrapping system of Cere is capable of wrapping the plastic film band a plurality of times over the supporting elements (14). Regarding the dimension of the plastic film girdle being smaller than the dimension of the product, the device of Cere is capable of working with plastic film band of different width (3 or 5).

With respect to Claim 7, the supporting elements comprise pair of movable elements (14) that are movable away from each other.

7. Claims 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Keip (US 5,027,579).

Keip discloses a device for applying a plastic film (74) around a product (P') including: a plastic film reel (72); a conventional cutting means (not shown) for cutting the wrapping plastic film (74) at the end of wrapping operation (col. 11, lines 48-51); a wrapping system having continuously movable supporting elements (lugs 177a) for forming a plastic girdle on the supporting elements (177a) and for transferring the plastic film girdle onto the product (1); transfer element (conveyor system 18a) for transferring the product; and means (conveyors 173a

Art Unit: 3721

& 173b) for removing the supporting elements (177a) from inside the plastic film girdle.

Regarding the dimension of the plastic film girdle being smaller than the dimension of the product, the device of Keip is capable of forming a plastic film girdle having a suitable length.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keip (US 5,027,579) in view of Higgins (US 5,577,366) and/or Benno (US 4,454,705).

Keip discloses a method for applying a plastic film (74) around a product (P') including the steps of: winding a plastic film girdle from stretchable film (74) over a supporting frame (conveyors 173a & 173b) having continuously movable supporting elements (lugs 173a); moving the product (P') on a conveyor system (18a) inside the plastic film girdle formed over the supporting frame (173a & 173b); removing the supporting frame (173a & 173b) from inside the plastic film girdle allowing the plastic film girdle to tighten around the product (P'); wherein the plastic film (74) wraps over the supporting frame (173a & 173b) a plurality of times (spiral winding) to form the plastic film girdle. The method of Keip meets all of applicants claimed subject matter but is silent as to the plastic girdle having a dimension that is smaller the dimension of the product in the feeding direction. However, having the length of the plastic film girdle smaller than the length of the product is obvious to the skilled person in the art as a matter of engineering design choice depending on the type of product to be packaged; for example,

Art Unit: 3721

there is no need for wrapping the ends of a bundle of elongated articles as disclosed in the reference to Higgins (US 5,577,366) or the reference to Benno (US 4,454,705). Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have formed the plastic film girdle with a length that is smaller than the length of the product in the method of Keip since it is desirable not to cover the ends of the product to be packaged.

Response to Arguments

10. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied references.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

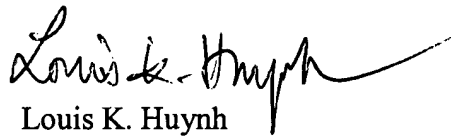
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3721

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh
Primary Examiner
Art Unit 3721

January 23, 2006